

The Appeals Board has jurisdiction to review preliminary orders only when it is alleged that the Administrative Law Judge has exceeded his or her jurisdiction. See K.S.A. 44-551. The specific issues subject to review on appeal from a preliminary order are listed in K.S.A. 44-534a. Among the issues there listed is the issue asserted by claimant in this appeal, namely, whether the injury arose out of and in the course of the claimant's employment. The claimant argues that the decision denying benefits is based upon a finding that the injury did not arise out of and in the course of employment because all other issues are either admitted or the evidence is uncontroverted. From our review of the record, however, it does not appear that this is the only possible basis for the Administrative Law Judge's decision. It remains possible that the Administrative Law Judge denied benefits because he found that claimant had not established a need for

additional medical treatment. If that were the finding, the Appeals Board would not have jurisdiction to review the decision. Because of this uncertainty, we are remanding the claim for direction from the Administrative Law Judge and his statement as to the basis for denying benefits. This statement should be sufficiently specific to allow the Appeals Board to determine whether it has jurisdiction to review the decision on appeal.

**IT IS THEREFORE ORDERED** that this claim should be, and the same is hereby, remanded with direction that the Administrative Law Judge state the basis or finding upon which the benefits were denied.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: John J. Bryan, Topeka, KS  
Ronald J. Laskowski, Topeka, KS  
James R. Ward, Administrative Law Judge  
George Gomez, Director